IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION.

CRIMINAL REVISION APPLICATION No.344 of 2007

Central Bureau of Investigation ..Applicant.

Vs.

The State of Maharashtra ..Respondent.

Mr Raja Thakare, Advocate for the applicant.

Mr Shirish Gupte, Senior Advocate, with Ganesh Gole, Advocates for the respondent No.1.

Ms S. D. Shinde, APP for the Respondent-State.

CORAM: V. C. DAGA,J.
DATED: 12TH Sept, 2007.

P.C.:-

1. Heard.

2. Perused application filed by applicant-C.B.I., wherein the order dated 4.7.2007 passed below Exh.407 in Sessions Case No. 10 of 2002 by the Additional Sessions Judge, Satara is being challenged;whereby the Sessions Court has rejected the prayer of the applicant-C.B.I.seeking custody of the passport of the present respondent No.1.

3. This application is opposed by the learned Senior Counsel appearing for the respondent no.1.

4. Having heard rival parties and looking to the consensus between the parties, it would be open for the present applicant-C.B.I. to seek appropriate directions in this behalf from the Special Judge, Greater Mumbai (M.C.O.C.Act). Needless to mention that the impugned order shall not come in the way of the applicant- C.B.I. Sessions Court, shall decide the said application on its own merits without getting influenced by the impugned order.

5. In the event of order directing surrender of passport and compliance thereof by the respondent no.1, it would be open for him to seek appropriate permission from the Competent Court to go abroad. In the event of such application, it is to be considered on its own merits with expeditious despatch.

6. In the result, the present application stands disposed of in terms of this order reserving liberty in favour of the applicant-C.B.I. as indicated hereinabove.

7. All rival contentions on merits are kept open.

(V.C. DAGA,J.)